

JONATHAN RUSSELL FOLMAR,
and MARGARET FOLMAR,

Plaintiffs,

v.

SARAH HARRIS, et al.,

Defendants.

On December 2, 2014, defendants filed a motion to dismiss plaintiffs' complaint [D.E. 17]. See Fed. R. Civ. P. 12(b)(6). Essentially, defendants argue that collateral estoppel bars plaintiffs' claims in light of Folmar v. Kesiah, 760 S.E.2d 365 (N.C. Ct. App. 2014). On February 23, 2015, plaintiffs responded in opposition. See [D.E. 25]. On February 25, 2015, defendants replied. See [D.E. 26].

The court has reviewed the record and the North Carolina Court of Appeals decision in Folmar. Collateral estoppel bars plaintiffs' claims. See, e.g., Allen v. McCurry, 449 U.S. 90, 94–95 (1980); Sartin v. Macik, 535 F.3d 284, 287–88 (4th Cir. 2008); Bouchat v. Bon-Ton Dep't Stores, Inc., 506 F.3d 315, 326–29 (4th Cir. 2007); In re McNallen, 62 F.3d 619, 624 (4th Cir. 1995); O'Reilly v. Cnty. Bd. of Appeals, 900 F.2d 789, 791–92 (4th Cir. 1990); Thomas M. McInnis & Assocs., Inc. v. Hall, 318 N.C. 421, 429–35, 349 S.E.2d 552, 557–60 (1986); cf. Folmar, 760 S.E.2d 366–71. Thus, the court GRANTS defendants' motion to dismiss [D.E. 17].

SO ORDERED. This 8 day of May 2015.

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